

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:22-cv-00074-MR

MATTHEW BUDNEY,)
Petitioner,)
vs.) **ORDER**
FNU WRIGHT, et al.,)
Respondents.)

)

THIS MATTER is before the Court on review of the docket in this matter and on Petitioner's pending motions, [Docs. 11, 12].

On March 11, 2022, pro se Petitioner Matthew Budney ("Petitioner") filed a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. [Doc. 1]. At the time he filed the petition, Petitioner was incarcerated at Sampson Correctional Institution in Clinton, North Carolina. [See Doc. 1-3]. On April 27, 2022, Petitioner filed a Notice of Change of Address advising the Court he had been transferred to Pender Correctional Institution ("Pender CI") in Burgaw, North Carolina. [Doc. 5]. On July 22, 2022, Petitioner notified the Court that he had been released from Pender CI, but that he had since been detained at the Pender County Jail. [Doc. 13]. On August 19, 2022, a Pender County Jail staff member

informed the Clerk's Office that Petitioner had been released from custody on August 18, 2022. [8/19/2022 (Court only) Docket Entry]. Petitioner, however, has not notified the Court of his current address.

On January 3, 2023, the Court ordered that Petitioner had 14 days to notify the Court of his new address or this action would be dismissed without prejudice and without further notice to Petitioner. [Doc. 14 at 2-3]. More than 14 days have passed, and Petitioner has failed to notify the Court of his new address. The Court will, therefore, dismiss this action without prejudice for Petitioner's failure to comply with the Court's Order. As such, the Court will direct the Clerk to terminate the motions at Docket Nos. 11 and 12.

ORDER

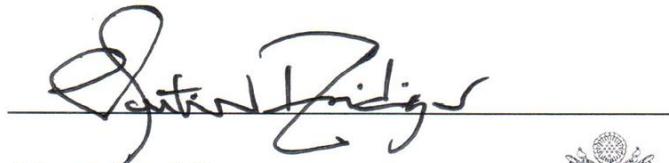
IT IS, THEREFORE, ORDERED that Petitioner's Petition [Doc. 1] is dismissed without prejudice in accordance with the terms of this Order.

The Clerk is respectfully instructed to terminate the motions at Docket Nos. 11 and 12 in this matter.

The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: January 27, 2023



Martin Reidinger
Chief United States District Judge

